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10 Attorneys for Christina W. Lovato, Chapter 7 Trustee

11 **UNITED STATES BANKRUPTCY COURT**
 12 **DISTRICT OF NEVADA**

13 In re
 14 DOUBLE JUMP, INC.
 15 Debtor.

Lead Case No.: BK-19-50102-gs
 (Chapter 7)

Substantively consolidated with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

16
 17
MOTION FOR TURNOVER OF
DOCUMENTS FROM ARI LAUER AND
THE LAW OFFICE OF ARI J. LAUER

18
 19 Hearing Date: March 10, 2022

20
 21 Hearing Time: 9:30 a.m.

22
 23 Christina W. Lovato, as the chapter 7 trustee (“**Trustee**” or “**Plaintiff**”) for the bankruptcy
 24 estates of DC Solar Solutions, Inc. (“**DCSS**”), DC Solar Distribution, Inc. (“**DCSD**”), DC Solar
 25 Freedom, Inc. (“**DCSF**”, and with DCSD and DCSS, “**DC Solar**”) and Double Jump, Inc. (“**DJ**,”
 26 and with DC Solar, the “**Debtors**”), files this *Motion for Turnover of Documents From Ari Lauer*
 27 and the Law Office of Ari J. Lauer (“**Motion**”) pursuant to 11 U.S.C. § 542(e). In support, the
 28 Trustee states as follows.

1 1. On December 18, 2018, law enforcement executed a raid on the Debtors' offices
 2 and other locations. Since then, certain of the Debtors' former insiders have pled guilty to crimes,
 3 with their plea agreements describing certain pre-petition wrongdoing; also, federal law
 4 enforcement has filed a declaration in the above captioned Main Bankruptcy Case.¹ These court
 5 papers describe the Debtors' pre-petition business operations as well as a massive and complex
 6 Ponzi scheme perpetrated by Jeff Carpoff and others ("*Carpoff Ponzi Scheme*") through the
 7 Debtors and other entities. The criminal investigation is ongoing.

8 2. In late January and early February 2019, the Debtors filed for chapter 11 relief
 9 before this Court, commencing these bankruptcy cases ("*Bankruptcy Case(s)*").

10 3. On March 22, 2019, this Court converted the Bankruptcy Cases to cases under
 11 chapter 7 and appointed the Trustee as chapter 7 trustee of the Debtors' estates.² Upon the Trustee's
 12 request, the Main Bankruptcy Cases have been substantively consolidated.³

13 4. Ari Lauer ("*Mr. Lauer*") is a licensed attorney in the state of California and
 14 operates through the Law Office of Ari J. Lauer ("*Law Office*," and together with Mr. Lauer,
 15 "*Lauer*"). Lauer was one of the Debtors' outside legal counsel and is in possession of the Debtors'
 16 client files and certain other documents and records.

17 5. On October 13, 2021, the Trustee filed and served Lauer with a Notice of Issuance
 18 of Subpoena to Produce Documents ("*Subpoena*") [ECF No. 2899].

19 6. The Subpoena contained five requests for documents, which in sum requested the
 20 Debtor's client files and communications between the Debtors and Lauer as well as Lauer's
 21 communications with third parties ("*Requested Documents*").

22 7. Pursuant to the Subpoena, the documents were to be produced on October 27, 2021.

27 ¹ See e.g., U.S.A. v. Jeff Carpoff, Case No. 20-00017-JAM (E.D. Ca.) [ECF No. 10]; see also
 Declaration of Special Agent Christopher Phillips [Main Case, ECF No. 106-2].

28 ² ECF Nos. 439-40.

³ ECF No. 2613.

1 8. Since that time, the Trustee has, through counsel, discussed the Trustee's request
2 for the Requested Documents with Lauer's counsel, who has objected and (to date) has not
3 produced a single document to the Trustee.

4 9. The Trustee respectfully requests that the Court enter an order compelling turnover
5 of the Requested Documents pursuant to 11 U.S.C. § 542(e):

6 Subject to any applicable privilege, after notice and a hearing, the court may order
7 an attorney, accountant, or other person that holds recorded information,
8 including books, documents, records, and papers, relating to the debtor's
9 property or financial affairs, to turn over or disclose such recorded information to
10 the trustee.

11 10. The Trustee has the power to waive any attorney client privilege Lauer may have
12 ever had with any of the Debtors, which she has done and has repeatedly so-advised Lauer. *See,*
13 *e.g., CFTC v. Weintraub*, 471 U.S. 343, 358 (1985).

14 11. As property of the estate, the Trustee is entitled to turnover of the Debtors' files
15 and related communications. *See Weintraub*, 471 U.S. at 351 (Congress specifically designed
16 542(e) to restrict the ability of attorneys, among others, to withhold items from the trustee); *In re*
17 *Black Diamond Min. Co., LLC*, 507 B.R. 209, 214 (E.D. Ky. 2014) (542(e) empowers courts to
18 order turnover of relevant documents to the trustee); *In re Hotels Nevada, LLC*, 458 B.R. 560, 567
19 (Bankr. D. Nev. 2011) ("[C]lients such as the debtors have a property right in their attorneys'
20 files."); *In re C.W. Mining Co.*, 442 B.R. 44, 47 (Bankr. D. Utah 2010) ("As a matter of law,
21 documents prepared while representing a debtor-corporation are property of the estate, as are
22 documents, records, or papers relating to property of the estate.").

23 **WHEREFORE**, the Trustee respectfully requests this Court to enter an order compelling
24 Lauer to turn over the Requested Documents, and for all other relief this Court deems just and
proper.

1 DATED: January 21, 2022.
2

3 **HARTMAN & HARTMAN**
4

5 /s/ Jeffrey L. Hartman, Esq.
6

7 Jeffrey L. Hartman, Esq., Attorney for Trustee
8 Christina W. Lovato
9

10 **MELAND BUDWICK, P.A.**
11

12 /s/ Solomon B. Genet, Esq.
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CERTIFICATE OF SERVICE

I certify that on January 21, 2022, I caused the document listed below to be served:

**MOTION FOR TURNOVER OF DOCUMENTS FROM ARI LAUER AND THE LAW
OFFICE OF ARI J. LAUER**

- ✓ a. Via ECF upon the parties listed on the attached Exhibit 1;
- ✓ b. Via Direct Email to:

mara@bayareadrainage.com;
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ben.nelson@wexinc.com;

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2022.

/s/ Solomon B. Genet
Solomon B. Genet, Esquire

Mailing Information for Case 19-50102-gs

Electronic Mail Notice List

The following is the list of parties who are currently on the list to receive email notice/service for this case.

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